

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 03-50069-01
CIVIL ACTION NO. 15-2028

VERSUS

JUDGE S. MAURICE HICKS, JR.

DAVID JACOB HENDERSON

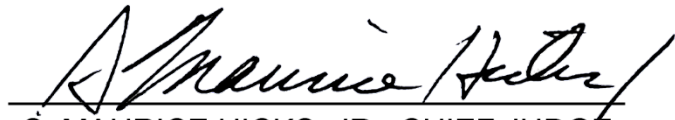
MAGISTRATE JUDGE HORNSBY


ORDER

The Court is now considering Petitioner David Jacob Henderson's ("Petitioner") "Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255" (Record Document 41) and his "Second Supplemental Motion to Vacate under 28 U.S.C. § 2255" (Record Document 57). The Government filed its "Answer" to Petitioner's Motion on September 1, 2015 (Record Document 45), accompanied by a memorandum in support in which it argued Johnson v. United States, -- U.S. --, 135 S. Ct. 2551 (2015), did not apply retroactively on collateral review before briefly addressing whether Petitioner was entitled to relief under Johnson. See Record Document 45-1 at 5-8. In light of the Supreme Court's decision in Welch v. United States, -- U.S. --, 165 S.Ct. 1257, 1268 (2016), holding that Johnson does, in fact, apply retroactively on collateral review,

IT IS ORDERED that the Government submit a response to Petitioner's original and supplemental motions to vacate (Record Documents 41 and 57) **no later than April 30, 2018**. Particularly, the Court orders the Government to address whether Petitioner's prior state convictions of "Simple Burglary" (La. R.S. 14:62) and "Second Degree Battery" (La. R.S. 14:34.1) qualify as a "violent felony" pursuant to 18 U.S.C. § 924(e)(2)(B).

THUS DONE AND SIGNED in Shreveport, Louisiana, this 23rd day of April, 2018.


S. MAURICE HICKS, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT


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UNITED STATES DISTRICT COURT